

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

01 JAN 29 PM 2: 50

U.S. DISTRICT COURT  
N.D. OF ALABAMA

MORRIS E. SHELKOFISKY, JR., )  
JOY L. SHELKOFISKY, )  
MORRIS E. and JOY L. SHELKOFISKY, )  
on behalf of DANIEL G. SHELKOFISKY, )

Plaintiffs, )

vs. )

CIVIL ACTION NO. 99-RR-1134-M

CHRISTOPHER L. BATES, LUISA )  
BATES, JAMES A. BATES, KAREN )  
H. SANDERS, FRED W. SANDERS, )  
JOHN L. WOFFORD, JR., OKOLONA )  
TRUCK LEASING, INC., UNITED )  
SERVICES AUTOMOBILE )  
ASSOCIATION, )

Defendants. )

ENTERED  
JAN 29 2001

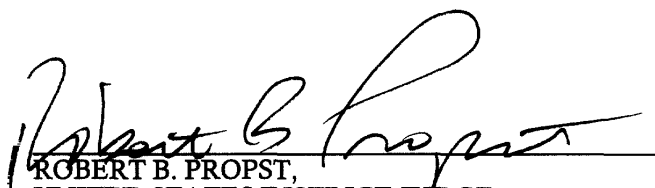
**MEMORANDUM OPINION**

The court has considered the entire file in this action, together with the Magistrate Judge's Report and Recommendation, to which no party has filed objections, and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, United Services Automobile Association's motion to dismiss, Crt. Doc. 5, and its amended motion to dismiss, Crt. Doc. 13, are due to be granted, and the complaint against it dismissed without prejudice, while Okolona Truck Leasing, Inc. and John L. Wofford Jr.'s motion to dismiss the entire case, Crt. Doc. 21, and Fred W. Sanders and

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Karen H. Sanders' motion to dismiss the entire case, Crt. Doc. 22, are due to be denied. An appropriate order will be entered.

DONE this 29<sup>th</sup> day of Jan, 2001.

  
ROBERT B. PROPST,  
UNITED STATES DISTRICT JUDGE